

REMARKS

Applicant appreciates the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-11 are pending in the application. The claims have been amended, where appropriate, to improve claim language without introducing new matter.

The *35 U.S.C. 103(a)* rejections are noted. Specifically, claims 1, 2, 4, 5, 8, 9, 11 are rejected under *35 U.S.C. § 103(a)* as being unpatentable over U.S. Patent No. 5,928,331 (“*Bushmitch*”) in view of U.S. Publication No. 2008/0140852 (“*Halliday*”). Claims 3 and 10 are rejected under *35 U.S.C. § 103(a)* as being unpatentable over U.S. Patent No. 5,928,331 (“*Bushmitch*”) in view of U.S. Publication No. 2008/0140852 (“*Halliday*”) and in further view of U.S. Patent No. 7,092,358 (“*Ruutu*”). Claim 6 is rejected under *35 U.S.C. § 103(a)* as being unpatentable over U.S. Patent No. 5,928,331 (“*Bushmitch*”) in view of U.S. Publication No. 2008/0140852 (“*Halliday*”) and in further view of U.S. Patent No. 5,289,276 (“*Siracusa*”). Claim 7 is rejected under *35 U.S.C. § 103(a)* as being unpatentable over U.S. Patent No. 5,928,331 (“*Bushmitch*”) in view of U.S. Publication No. 2008/0140852 (“*Halliday*”) and in further view of U.S. Publication No. 2006/0268939 (“*Dries*”).

Applicant respectfully traverses the rejections for the following reasons.

In amended claim 1 and claim 8 of the instant application, a method involving an input unit and a plurality of relays that transmit and receive TCP packets loaded with stream data based on multi-path and Transmission Control Protocol (TCP) schemes is defined.

The Examiner alleges that the claimed invention is to provide a media delivering system for delivering media selection to one or more media clients over a multicasting network, and would

have been obvious in view of the distributed multimedia streaming architecture of *Bushmitch* and a specific channel of *Halliday*. Applicant respectfully disagrees.

Specifically, *Bushmitch* discloses that the multimedia client 16 sends a unicast TCP Protocol message to the Admission Control Unit 18 in order to request that a particular media selection commence delivery. However, *Bushmitch* fails to disclose an input unit and a plurality of relays that transmit/receive TCP packets loaded with stream data according to a multi-path TCP scheme (TCP packet) as recited in amended claims 1 and 8. Unicast, by definition, is transmission of information to a single destination via a single path. The reference's teaching is completely different from and does not teach or suggest the claimed multi-path scheme.

Further, *Halliday* discloses that a concatenated decoder chain IC is used to select a specific channel for playing through a digital audio processor and a requested file is sent via one-way UDP (User Datagram Protocol) channel. UDP has been discussed in the Background section of the instant application as an unreliable service in which data may arrive out of order, duplicated, or missing. The reference's teaching is completely different from and does not teach or suggest the claimed TCP packets which overcome the above-listed disadvantages of UDP.

Besides the above deficiencies, *Bushmitch* and *Halliday*, singly or in combination, also fail to disclose, teach or even suggest several claimed steps, namely:

- ...
 - b) receiving TCP packets loaded with the stream data generated in the input unit based on a TCP scheme;
 - c) assigning the received stream data of the TCP packets to a specific channel to determine the kind of broadcasting service based on the specific channel of the received stream data;
 - d) confirming a neighboring relay that requests stream data transmission of the specific channel by using a routing table;
 - e) transmitting TCP packets loaded with the stream data to one or more neighboring relays that request stream data transmission of the specific channel according to transmission control information of a controller
- ...

Accordingly, Applicant respectfully submits that the invention as claimed in independent claims 1 and 8 is patentable over the applied art of record.

Claims 2-7 and 9-11 depend from claim 1 or 8, and are considered patentable at least for the reasons advanced with respect to the independent claims. The dependent claims are also patentable on their own merits since these claims recite other features neither disclosed, taught nor suggested by the applied art, as will be apparent to the Examiner upon reviewing these claims.

For example, claims 3 and 10 are separately patentable because the teaching reference of *Ruutu* applied against claims 3 and 10 is not prior art. Specifically, the earliest reference date of *Ruutu* under 35 U.S.C. 102(e) is its US filing date of October 24, 2003 which postdated the claimed priority date of October 2, 2003 of the instant application. Therefore, *Ruutu* should be removed as non-prior-art.

Likewise, claim 7 is separately patentable because the teaching reference of *Dries* applied against claim 7 is not prior art. Specifically, the earliest reference date of *Dries* under 35 U.S.C. 102(e) is its PCT filing date of August 13, 2004 which postdated the claimed priority date of October 2, 2003 of the instant application. Therefore, *Dries* should be removed as non-prior-art.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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